

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1064 of 1986

with

SPECIAL CRIMINAL APPLICATION No 197 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH and
MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

ASHOKBHAI ARJANBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 1064 of 1986
MR BM MANGUKIYA for Petitioner
MR KP RAVAL, APP for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3, 4
2. Special Criminal Application No 197 of 1986
MR BM MANGUKIYA for Petitioner
MR KP RAVAL, APP for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE M.S.PARIKH and

MR.JUSTICE H.R.SHELAT

Date of decision: 23/11/1999

ORAL JUDGEMENT

1. Petitioner - Ashokbhai Arjanbhai Patel (Prisoner No. D/2247/86) has preferred this Special Criminal Application for issuance of writ of mandamus or a writ in the nature of mandamus or any other writ or direction deleting rule 1287 of the Bombay Jail Manual with a consequential prayer for quashing and setting aside order dated 7/6/1986 passed by the second respondent and placed at Annexure-B (No. Jud-2/609/1986, Inspector General of Prisons, Lal Darwaja, Ahmedabad) confirming the order passed by the respondent no. 3 on 27/9/1986 and placed at Annexure-A. We do not propose to reproduce the prayers in this Special Criminal Application at length and the grounds in support of such prayers for the simple reason that questions which have been raised in this Special Criminal Application would become academic in nature inasmuch as upon calculation of the sentence undergone and the remissions available to the prisoner as also the remissions which would be available on account of golden jubilee year, the prisoner would not be required to undergo any more sentence than a day or two, which would be required for the prisoner to surrender and then being set at liberty. This is what has been submitted by Mr. K.P. Raval, Ld. A.P.P. upon instructions from the concerned officer who was present before the Court. Mr. Mangukia, learned advocate for the petitioner, therefore, has also not canvassed the questions which have been agitated in this petition. In that view of the matter, we issue following direction :-

The prisoner shall surrender to the concerned Jail Authority at Rajkot on or before 3/12/1999. The concerned Jail Authority will act upon the calculation of the sentence undergone as aforesaid and released the prisoner accordingly. Subject to this, rule is discharged. D.S.P.

PVR. * * *